

24th August 1925]

V

A BILL TO AMEND THE MADRAS CITY TENANTS' PROTECTION ACT, OF
MR. L. C. GURUSWAMI

* Mr. L. C. GURUSWAMI:—“ Mr. President, Sir, with your permission, I beg to introduce a Bill to amend the Madras City Tenants' Protection Act, 1922. As most of the hon. Members of this House are aware, the Act was intended to afford protection to tenants who in many parts of the city have constructed buildings on others' lands in the hope that they would not be evicted so long as they paid a fair rent for the land. As the late Law Member said at the time of introducing the measure in the Council, it was an emergency piece of legislation promoted to meet the special crisis that had arisen in the city. Tenants who had constructed valuable houses on others' lands and lived in them for a generation or more could with impunity be evicted without even compensation for the superstructures. The Act now in force has certainly afforded protection to tenants who have built costly buildings. But what about the poor tenants who have built and lived in humble huts? Their cause remains yet unprotected, for the poor tenants get very little as compensation for superstructures and find it hard to secure land elsewhere. In most cases, these tenants live near their places of work. When they are evicted, they are naturally averse to going to distant places far off from their places of work. They try to shift for themselves very near their former places of residence. Consequently, the result is they crowd themselves in places already overcrowded. I need not tell, Sir, what the effects of overcrowding are on the health of the city. The only remedy in their case for all this, to my mind, is the granting of occupancy rights. But the present Bill does not attempt to deal with that vexed question. I know there is considerable difference of opinion on that point. I am sure a time will come when this Council will of its own accord confer such a right. The Bill which I introduce is a humble measure intended to rectify certain defects observed in the actual working of the Act. It does not seek to raise any controversial question. So, without going into greater detail, I shall briefly indicate the reasons for this amending Bill.

11-45 a.m. “ The Act now does not recognize the right of the tenant when evicted for compensation for all the improvements effected in the land except in regard to trees planted by him. It is a matter of common knowledge that in a large number of cases the lands on which houses have been built were originally jungle lands, marshy places, quite unfit for occupation. It is but fair that in cases where improvements in the land have been made since the time of its occupation, compensation should be paid for all the improvements to the tenant. By his hard labour and perhaps at considerable expense the tenant has improved the site and rendered it fit for human habitation. By specific mention in the Act that the tenant is entitled to compensation for trees planted by him, compensation for other improvements has virtually been ruled out of consideration. So a definition of the word ‘improvements’ in section 2 of the Act has been given and the addition of words at the end of section 3 recognizing the need for compensation for all improvements has been made in this Bill.

“ Under the Act the landlord can apply to the court for enhancement of rent under certain circumstances and the Act imposes a limit in regard to

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enhancement. But the hon. Members of the House are aware, Sir, that there was a time when the prices of lands in this city went up very high and consequently rents for lands also were increased. Things have changed a great deal since then and the value of lands has gone down to a great extent. But the tenants are being made to pay the same rents. I venture to submit that the rise in rents even then imposed considerable hardships on the poorer classes of tenants, and to expect them to continue to pay them even when the value of land has come down is not just. Moreover, the landlord is given the right to ask the court to enhance the rent. My humble suggestion is that the tenants also should be given the privilege of requesting the court to reduce the rents wherever necessary, taking into consideration the altered and changing circumstances. I plead for this concession, as the poor and helpless tenants deserve it badly. I ask for no arbitrary reduction, for the matter is entirely in the hands of the courts and the Bill proposes a limit beyond which the rents cannot be reduced.

"In deciding the market value of the land, the City Civil Court Judge in some eviction suits has taken into consideration the rise in the value of the lands owing to improvements effected by the City Municipality by way of metalled roads and provision of drainage, lights, etc.—vide judgment in O. S. Nos. 464 and 465 of 1922 on the file of the City Civil Court. In the course of the judgment in these suits, discussing the evidence let in for fixing the value of the land, the Judge remarks: 'Besides, in a good many of these cases the lands sold were vacant lands at that time on which superstructures have been erected subsequently. Naturally a person who has already erected a superstructure and rendered the land more valuable thereby, would have to be paid more than the person who has sold a vacant land. Further, in the region in which the defendants' superstructures are situated, the municipality has opened proper metalled roads and supplied drainage and lights; and so they are more valuable than the lands covered by Exhibits V and X.' I venture to submit the circumstances that helped to increase the value of the land mentioned in the judgment, which are mostly due to tenants only, should not be allowed to enable the landlord to get the benefit of them. The benefit of the increased value due to these improvements should, properly speaking, go to the tenants.

"If the land had been vacant and left unoccupied, there would have been no need for these improvements. Nor would the municipality have cared to effect them. It is because the tenants occupied the land and built superstructures on it, these improvements, which have contributed to the increased value of the land, have been effected. So I propose in my Bill that the improvements effected by the municipality should not be taken into consideration in fixing the value of the land on the date of the order. If they are taken into account at all, the benefit should go to the tenant. But I have not made any such provision. I can also adduce arguments to show how by various means the landlord can manage to put forward a claim for a higher price and how he can put in evidence in support of his claim. But it is not to my immediate purpose.

"At present the tenant is not entitled to apply for the sale of land in the first instance. He can exercise his right to purchase only when the landlord chooses to institute eviction proceedings. Unless they are sure of a high market value, the landlords will not naturally resort to law courts

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with eviction suits. Meanwhile the condition of the tenants is precarious with the sword of Damocles, the threat of eviction, always hanging over their heads. This feeling of suspense and insecurity is not conducive to good relations between the landlords and the tenants. I have provided, by the addition of section 9-A, the right to the tenant to apply to the court for the sale of land at any time he chooses. It is just and proper that the tenant who has built his superstructure and has been living on the land for a number of years should be given this concession. This is merely an extension of the privilege already enjoyed by him under section 9 of the Act: (section 9-B_r is consequential, providing for the disposal of monies relating to trust property.

"As regards other sections proposed by me, I have only attempted to give effect to the Full Bench decisions of the High Court so that the incorporation of these decisions may place the interpretation of these sections beyond doubt. The Full Bench of the Madras High Court have decided overruling the decision in 46, Madras, 836, that section 9 applies to tenants who are holding lands under trustees of religious or charitable endowments and in an ejectment suit the latter can be compelled to sell the trust lands to the tenant. While the decision has no doubt set at rest doubts entertained about the applicability of section 9 to trust lands, I have attempted to make the explanation for the word 'land' perfect so that all litigation in regard to trust lands may in future be avoided.

"The Full Bench of the Madras High Court has also ruled that section 9 applies also to the cases of tenants against whom orders or decrees in ejectment had been passed at the time of the passing of the Act, but where the ejectment had not actually been carried into effect. Here failure to include section 9 in the sections mentioned in section 10 (1) led to litigation and a Bench of two hon. Judges had expressed themselves that section 9 was not applicable to these cases, but the Full Bench overruled this decision. I have included section 9 also in 10 (1) to make the point clear from doubt, to avoid further interpretations of law by the courts.

"Before I conclude, let me repeat again that the proposed Bill is no revolutionary measure depriving the landlords of their well-established rights. It is a small piece of legislation giving the tenant certain rights which he can avail of only subject to the decisions of the law courts. These rights will in no way affect adversely the legitimate claims of the landlords. I ask for these rights to tenants because of the peculiar conditions prevailing in this city where most of the tenants, especially the poorer classes, have been living on others' lands. With these words, Sir, I beg to introduce the Bill to amend the Madras City Tenants Protection Act of 1922 and move that it be read in Council."

* Rao Bahadur M. C. RAJA :—"Sir, I beg to second the motion. I need not in this connexion refer to the grievances of the depressed classes generally or how they are proposed or supposed to be remedied either by the Labour Department or by the party in power. The amending Bill is simple in scope but wide in its usefulness. At the time the Madras City Tenants Protection Act was passed, the Government Member in charge made me clearly to understand that it was only a tentative measure and that amendments as a result of expansion were inevitable.

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"Now the amending Bill introduces amendments gained by experience on six points. Three of these are simply due to judicial pronouncements on the Act and two out of the three follow the decision of the Full Bench. These are (1) a definition of land which will include endowed lands; (2) the other is the inclusion of section 9 in section 10. Both these points, as indeed the rest, are absolutely non-controversial and have, as a matter of fact, been viewed in the very light in which they are presented in the amending Bill by the Full Bench of the High Court of Madras. There are several hundreds of houses built upon the so-called religious or charitably endowed lands and the hon. Members will agree with me in holding that the varamdars and other lessees and sub-lessees of these endowed lands should not be allowed to play the Shylock or perhaps the Machiavelli with us poor tenants.

"The third point (39 A) arises out of the common-sense principle that where one party to a contract is given a privilege, the same or a similar privilege should be conferred on the other party. The landlord under the Act as it stands has the power to apply for eviction and sale of the land when the economic conditions are favourable to him. All that we ask is that a similar permission should be given to us to seek redress in a court of law when the same conditions are favourable to us.

"I have now disposed of three of the six points raised. Of the remaining three, one is simply that the value of the land directly enhanced by the activities of the city fathers like my friend Dr. Natesa Mudaliyar should not be taken advantage of to enrich the owner of the land. Another is that while the landlord has the power under the law to have his rent increased, there is no provision under it by means of which the tenant can obtain redress by a reduction of rent where the price of land has fallen.

"Hon. Members are no doubt aware that the price of land at present has fallen considerably and yet these poor tenants are continuing to pay the rent that was fixed when the market value of the land was high and land was difficult to obtain.

"The last point I have to refer to is merely one to correct an inaccuracy in the definition of the word 'improvement.' 'Improvement' at present includes only the superstructure and the trees. There is no earthly reason why a tenant who plants trees in his backyard and gets their value while vacating the site should be deprived of a similar benefit if he converts a swamp into a habitable place or cuts shrubs and prickly-pear and makes a place habitable or puts up a fence round his borrowed site or digs a well for the benefit of the permanent owner of the site.

"Hon. Members will thus see that the amendments proposed are largely unambitious and such as will command universal acceptance.

"I am aware however, Sir, that a petition signed by Mr. Narayanappa Nayudu and some others has been in circulation for some time and several of the Hindu Members of this Council are aware of it. I need hardly traverse the allegations contained in it as most of them are just as valid objections to the existing Act itself. There is one point there however to which I must refer and that is the objection of the signatories to the proposed amendment of not mulcting the tenant with the value of the improvements effected by the City Corporation.

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"I have but to mention this objection for hon. Members to see the untenable nature of the objection. Take the case, Sir, for instance of Swami Naickencheri where my people incessantly through the Labour Department and otherwise have obtained for their cheri corporation lights and metalling of the roads. If as a result of these civic activities, which mark you, Sir, characterise the tenant in occupation and not the absentee landlord, the value of the lands in the cheri goes up, why should the very promoters of civic amenities be punished by being asked to pay for the extra value? The signatories quote a proverb in their petition. I am tempted to quote another. Such a way of paralysing tenants who are active and ensure proper attention at the hands of the Corporation is to kill the goose that lays the golden eggs."

* The hon. Sir C. P. RAMASWAMI AYYAR :—"Mr. President, Sir, I do not propose in any manner to oppose or even to offer any remark in regard to some of the wider questions that have been raised. I shall only lay before myself the task of elucidating one or two points and also endeavouring to show that the Bill is not quite as unambitious as the hon. the Seconder of the motion sought to make out."

"In the first place, I must congratulate the hon. the Mover of the Bill for his strenuous efforts and the trouble he has evidently taken in producing and bringing forward this Bill. If I make any observation at all, it will be only on three clauses of this Bill. The first is, in regard to clause 9 which relates to trust property and trustees. I may say at once as to this that neither on the part of the Government nor, I hope, on the part of any one else in this House will there be any opposition. As a matter of fact it is high time that we should assimilate trust property with other private property in regard to the nature of the rights and obligations between the landlords and tenants. And, therefore, with reference to that clause it may be taken that it is really non-controversial as the hon. the Mover said it was. There are only two other matters to which I wish to advert. One of them is clause 4. The hon. Member Mr. Raja practically said that there was not much difficulty or controversy about this. But the position is this. If under the original Act III of 1922 clause 7 is read, the object of the amendment contained in clause 4 of the Bill as now put forward to the Council will be clearly understood. The amendment sought to be made is that

"In section 7, after the words 'any landlord' the words 'or tenant' shall be inserted and after the word 'enhanced' 'or reduced' shall be inserted."

"It will thus be seen that this clause will give the tenants a right to apply to court for a reduction of rent. On this matter I may make one remark. The original Bill, whatever at inception the origin of it might have been, is not a Bill which has as its objects or ideals the fixing of fair rents *per se*. It seems to me that it is a matter for careful consideration and investigation by the Select Committee whether the result or the effect of this amendment will not be to create a machinery for fixing fair rents. That seems to me to involve a big departure. I have just mentioned this so that at the proper time it may be considered whether or not a case has been made out for such determination of fair rents.

"Now, in passing, my hon. Friend Mr. M. C. Raja made one remark which, I believe, was also contained in the speech of the hon. the Mover. They said that the price of land was once very high. Now that the price of

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land had gone down very much, there is no reason in equity why the tenants should not have the correlative right to ask for reduction of rent. On that point it may be observed that the landlord might have something to say, namely, that in addition to the affliction caused by the low prices he will have also to be subjected to reduced rent. But it is a matter to be carefully weighed. By this legislation, if you are going to grant in the City of Madras a machinery for determining fair rents, the question will arise as to why that principle should not be extended to the mufassal, not only to houses but to other species of properties. However at this stage I will only say that the amendment itself is, if my hon. Friend will allow me to use the expression, very skilfully worded and apparently there is nothing in it that is revolutionary as stated by the hon. the Seconder. The effect however of the amendment, if accepted, would be that by reason of that enactment an agency will be created for the purpose of determining fair rents. In saying this I am only anxious that if the House should legislate it should do so with the full consciousness of the result of the amendment.

"With regard to the other amendment, it is stated that the improvements made by the city municipality shall not be taken into consideration. As to the fundamental principle underlying the amendment I do not think there is much quarrel, but the difficulty would be to fix or determine a formula. I wish to put a definite case. Supposing there is a piece of land and after twenty years from now you want the real value of it. You must be in a position to acquaint yourself with the condition of property adjacent and outlying and find out how much the land has been affected by the improvements effected by the city municipality in the course of its beneficent activities. Also the Corporation has not alone been responsible for these extra amenities, and the improvements might have been due to exertions of people in the locality who have contributed their energies. It seems to me therefore that, while I ought not to oppose any such provisions at this stage, I must point out that this is a formula which is bound to produce a certain amount of ambiguity and confusion when the respective liability of the landlord and tenant have to be worked out.

"With these observations I desire to say, in conclusion, as I did at the beginning, that the Government do not propose to oppose this Bill. But they wish to place before the House these considerations in the hope and the confident expectation that these matters will be carefully investigated by the Select Committee and that they might be able to arrive at an equitable decision."

* Mr. SAMI VENKATACHALAM CHETTI:—"Sir, I am not prepared to oppose the Bill being introduced and referred to the Select Committee for consideration. I must state that I am handicapped by the fact that the Corporation of Madras to which this Bill was referred has not yet given its opinion in a resolution of the Council. But I may state that the Bill was referred to the Taxation and Finance Standing Committee of the Corporation of Madras, and their resolution on the Bill has been formulated in two or three propositions. It has been referred to the Council, but has not yet been discussed.

"It has been admitted by the hon. the Mover that the original Act itself was an emergent piece of legislation, intended for the time being to prevent

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scrupulous or unscrupulous landlords from evicting their tenants who have been long residents of those localities on account of the boom in the market value of the land between the years 1918 and 1920. I admit that it is the primary obligation of every local authority or local body to provide accommodation to the homeless and to the poor. If we had originally legislated the City Tenants' Protection Bill sacrificing to some extent the interest of the landlord we did it only to ward off the then evil of making the tenants homeless. I hope this House in its anxiety that the poor classes should receive the benefits should not do anything which will in the end affect the fundamental rights of the landlords. I do not wish the House to understand me that I do not appreciate the difficulties under which these poor classes live in the City of Madras. I would do everything in my power to alleviate their condition and to afford them houses, if I can possibly compel the Corporation to do so. Beyond that, Sir, I would hesitate to sacrifice the interests of the landlords in this matter. It seems to me quite necessary that the landlord's case should be properly heard; and before we consent to all or any of the amendments suggested here I would invite attention to the points I suggested. As regards temple lands there can be no difference of opinion, nor is it the intention of the Government, as has been pointed out by the hon. the Law Member, to exempt those lands from the operation of this Act. But as regards the right of the tenant to make any improvements and compel the landlords to pay for those improvements at the time of eviction, it seems to me, Sir, that the matter must be carefully considered. It is not right to suppose that every tenant in these localities is poorer than every landlord. In fact there are some tenants who are perhaps richer than the landlords. It is not therefore a correct principle to make the landlords pay for the improvements. I may say that in a private conversation which I had with the hon. Member, Mr. Raja, he had no objection to limit the improvements to what is exactly necessary for living purposes as, for instance, the construction of a gutter and so forth; for in these cases the tenant can make the improvement and the landlord may be bound for compensation.

"With regard to the power of the tenant to apply to a court for the reduction of rent I never realized the seriousness of it until the Law Member explained it to us just now.

"I thought that if the landlord was given an opportunity to have the rent increased, in all fairness the tenant also would be given that opportunity; and instead of the tenant applying to the court undergoing all the worries of litigation, I thought the assessment of rent in those localities might be referred to any standing committee of the Corporation which is expected to be in touch with the market value of these lands. But since the hon. the Law Member has explained that an amendment of this sort . . ."

* The hon. Sir C. P. RAMASWAMI AYYAR:—"Is it suggested that the fixation of rents as between the landlord and the tenant should be committed to the Standing Committee of the Corporation?"

* Mr. SAMI VENKATACHALAM CHETTI:—"I do not think there is anything revolutionary in that. If the assessment of particular houses by the Commissioner of the Corporation of Madras could be referred to the standing

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committee on appeal and then to the City Civil Court, I do not see why in the matter of fixation of rent as between landlord and tenant that committee should not be endowed with those powers, apart from other powers. I do not think the hon. the Law Member said the members are incompetent to exercise these powers."

* The hon. Sir C. P. RAMASWAMI AYYAR:—"They are not only generally competent but extremely businesslike; but they are not courts."

* Mr. SAMI VENKATACHALAM CHETTI:—"Yes; my object is to avoid courts as far as possible, to avoid lawyers as far as possible. I therefore want to substitute this committee for the court. But that is apart from the question that was raised. In view of the explanation of the hon. the Law Member as to the road to which this will lead if he accepts the amendment, I am unwilling to accept his opinion until the matter goes to the Select Committee."

"As regards the question of not taking into account the value of the conveniences or amenities rendered by the Corporation in assessing the value of the land, this amendment will lead to any amount of litigation. It is difficult to assess whether the improvements were rendered by the Corporation in the ordinary course of its business or owing to the extra care taken by the Society for the protection of the Depressed Classes, or by the tenant himself. Further, the principle that a tenant be compensated for all the improvements rendered by the Corporation of Madras leads us to the question whether the improvements rendered by the Corporation justly belong to the landlord or to the tenant. I am quite willing to admit that both the landlord and the tenant contribute to the finances of the Corporation. Though directly it is the landlord that pays the Corporation, in this case both directly and indirectly the tenant also pays to the Corporation. The tenant pays by paying rent of the land to the landlord and thereby enables the landlord to pay taxes. The tenant in addition pays taxes for the superstructure built on the land to the Corporation. You must also admit that the landlord also pays to the Corporation to enable it to make these improvements. When you yourself ask for reduction of rent on account of the depreciation of the market value of the land, you must also concede that the landlord should be compensated for the improvements made by the Corporation. Otherwise you will give the benefit in both cases to the tenant. You must either take up the whole responsibility for depreciation or appreciation of market value of land, or leave the entire responsibility to the landlord. In the matter of reduction of rent you will have to consider if the market value has decreased, and if so, the tenant is entitled for reduction of rent and you must also allow the landlord to get the benefit of the improvements which the locality has undergone on account of various causes. After all, it must be borne in mind that these landlords were the first to give shelter to the shelterless, and it would be really cruel to treat all the landlords on the same level. It may be in one or two instances they want to get as much money as possible by way of rent, but that cannot be applied to all landlords. I know instances where cheris do not pay even as little as 2 or 3 per cent of the investment."

"With regard to the provision enabling the tenant to move the court to compel the landlord to sell the land he occupies, I can only repeat the

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words of Mr. Boag who was Commissioner of the Corporation in expressing his opinion on this point. 'It seems to be monstrous to say that the tenant without any provocation from the landlord can force him to sell any portion of his land.' It is really monstrous, and I hope the hon. the Mover and the Supporter will see the other side of the question also. On one side of the land, there may be a number of tenants and it may strike one tenant to ask the landlord to sell this plot of land. If the tenant is enabled to get this land sold to him, what will be the effect of parting away with a portion of land upon the rest of the land. I cannot now discuss the propriety of trying to confiscate property from one hand and transferring it to another. It seems to me that all this may be euphemistically called acquisition of occupancy rights, but on that account we must not make the landlord suffer and compel him to sell his land to any tenant. After all, I am afraid whether it is the tenant that will ultimately be bettered. I can conceive of instances in which a money-lender or sowcar may come in the middle, may negotiate with the tenant and compel the landlord to sell, so that the land may pass from one landlord to another resulting in injury greater to the tenant from the latter. As I said at the beginning, I do not want to oppose the introduction of this Bill or its being referred to the Select Committee. I only wish that these points should be very carefully considered and, if necessary, the evidence of the landlords be taken and all care taken to protect the rights of both the landlord and the tenant. If there are really difficulties in the way of a tenant being allowed to settle peaceably on the land which he has occupied for a long time, they ought certainly to be removed when the Bill goes before the Select Committee."

* Diwan Bahadur M. KRISHNAN NAYAR:—"At this stage, I wish only to refer to two features in the Bill, and both these features have been referred to practically by all the speakers who have preceded me. The first point that I wish to refer to is the revision of rent. It has been said by the hon. the Mover and the Seconder that in the revision of rent, inasmuch as power is given to the landlord to enhance the rent, a similar power for reduction of rent should also be given to the tenant. It seems to me that the principle advocated by both these hon. Members is an equitable one, and the principle has been recognized in other statutes also. My Friend, Mr. Venkatachalam Chetti, referred to the agency for the reduction or enhancement of rent. If I understood him correctly he stated that either the Corporation or the Standing Committee might be entrusted with this duty and responsibility. It seems to me that the best agency for considering the reduction of rent is also the agency for considering the enhancement of rent. If the court has been considered the proper agency for enhancement of rent, the court, I submit, is also the proper agency for reduction of rent. It is only a mutuality of rights and it seems to me that nothing can be said against this.

"The other point that I wish to refer to at this stage of the question relates to improvements. My hon. Friend the Law Member did not refer to this aspect of the question at all, but my Friend Mr. Venkatachalam Chetti has in a measure objected to extending the Bill with reference to improvements. As it is, the Bill recognizes only the value of certain improvements. It seems to me that all improvements should be recognized as such. With reference to that, there is no difficulty whatever. The hon. the Mover of the Bill has brought in a definition of the word 'Improvement.'

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What he says is this 'Improvement' includes all those kinds of work which add to the value of a building and these works must also be suitable to the holding and also calculated to enhance the rent of the holding."

* The hon. Sir C. P. RAMASWAMI AYYAR :—" As some advertence has been made to the question of improvements, I may at once say that the Government are in favour of the definition as put forward by the hon. the Mover."

* Diwan Bahadur M. KRISHNAN NAYAR :—" I am very glad to hear that; I need not go further. With reference to other matters, as my Friend Mr. Sami Venkatachalam Chetti rightly pointed out, those things also may be considered in the Select Committee. With these observations I support the introduction of the measure."

* Mr. R. VEERIAN :—" I have to make a few remarks because this is a poor man's Bill."

* The hon. the DEPUTY PRESIDENT :—" Nobody is opposing it; you can make your opinion felt in the Select Committee."

* Mr. R. VEERIAN :—" I want to say few words to meet certain remarks made by previous speakers."

" Sir, I am a staunch supporter of any measure which will do good to the poor people. Taking this Bill into consideration, I beg to submit that this is a poor man's Bill and there is no doubt about it. I am quite convinced that this Bill is not at all going to take away the vested rights of the landlords. Sir, we see even birds and other living beings want to have freedom and liberty. Such being the case, is it not right to extend the same freedom and liberty to our own class of people who live on their own land? The hon. Mr. Venkatachalam Chetti said that landlords gave shelter to the poor tenants. It was because the lands were lying idle, because they were barren and there was nobody to occupy them, the landlords themselves voluntarily asked the tenants to occupy their lands and on their occupying such lands and paying them rents they became very rich. By that, Sir, can they kill these poor shelterless people?"

* Mr. SAMI VENKATACHALAM CHETTI :—" I never suggested that."

* The hon. the DEPUTY PRESIDENT :—" He never suggested that they should be killed."

* Mr. R. VEERIAN :—" These shelterless people help the landlords in times of danger. Therefore, are they not right in getting something from the landlord? Taking that point into consideration, I strongly support the Bill."

The motion that the Bill be read in Council was put and carried. The Secretary read the title of the Bill.

12-30 p.m. Mr. L. C. GURUSWAMI :—" Sir, I beg to move that the Bill be referred to a select committee consisting of the following gentlemen :—

The hon. Sir C. P. Ramaswami Ayyar,
Rao Bahadur O. Tanikachalam Chettiyar,
" C. Natesa Mudaliyar,
Mr. Sami Venkatachalam Chetti,
The Advocate-General (Mr. T. R. Venkatarama Sastriyar),

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produced in the protected area for re-export nor will $\frac{I}{we}$ allow it to be re-exported under a misdescription;

(3) to return the said licence on expiration of the period for which it is granted to the licensing authority together with such details as he may require as to the

cotton
kapas
cotton seed
waste

 imported under it and of its subsequent disposal.

Dated
at

Signed

Instructions.

(a) The Cotton Transport Act does not impose any general restriction on cotton transport but only on transport into specified areas (notified by local Governments for protection) from stations outside those areas. Each notification includes a schedule of railway stations in the protected area to which it refers. Licences are only required by concerns situated within the limits of a protected area. Licences granted under the Cotton Transport Act are available for the importation of cotton from anywhere in India but only to the stations specified.

(b) Cotton, as defined in the Act, includes ginned cotton, unginned cotton (kapas), cotton seed and cotton waste, but separate licences are required for each. Separate rules are also in force for the importation into protected areas of cotton by road, river or sea.

(c) Stationmasters or other railway servants responsible for the booking of goods or parcels at all stations in India are empowered by section 4 of the Act to refuse to book cotton to a notified station in a protected area unless a certified copy of the licence is handed in when the cotton is tendered for booking. Each consignment requires a separate certified copy which will accompany the railway invoice to destination.

(d) Stationmasters or other railway servants responsible for the receipt and delivery to the consignee of goods and parcels at notified stations are required by section 5 of the Act to refuse delivery of cotton from outside the protected area (which is defined by a list of stations) unless accompanied by a certified copy of the licence (or unless the original licence is produced).

(e) Paragraph 2 in the application form corresponds with condition (b) of the licence the object being to safeguard the protected area against the misuse (which might be quite unintentional) of cotton imported under licence.

(f) The protected areas notified in the Madras Presidency are those contained in Government Notification, Development Department, No.